

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 13-20156

Honorable George Caram Steeh

v.

D-1 Alfredo Antonio Martinez

a/k/a “Cholo,” “Victor Manuel Berrios,”

Defendant.

STIPULATED PRELIMINARY ORDER OF FORFEITURE

The United States of America, by and through its attorneys, BARBARA L. McQUADE, United States Attorney for the Eastern District of Michigan, and JULIE A. BECK, Assistant United States Attorney, together with Defendant ALFREDO ANTONIO MARTINEZ, by and through his attorney, ALEX R. KESSEL, hereby submit this Stipulated Preliminary Order of Forfeiture:

1. WHEREAS, a Superseding Indictment (Indictment) was issued on October 2, 2013 charging Defendant ALFREDO ANTONIO MARTINEZ, in Count One with Conspiracy to Possess with Intent to Distribute and Distribution of Five (5) Kilograms or More of Controlled Substances (Cocaine) in violation of 21

U.S.C. §§ 846, 841(a), 841(b)(1)(A)(ii)(II), Count Two with Continuing Criminal Enterprise in violation of 21 U.S.C. § 848(a) and (c), and Count Three with Possession with Intent to Distribute a Controlled Substance (Cocaine) in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(ii)(II).

2. WHEREAS, the government filed a Second Forfeiture Bill of Particulars (docket #157), which included One 2007 Lexus ES350, VIN: JTHBJ46G372032892 and One 2008 Ford F350 4X4, VIN: 1FTWW33R38EA37627, (hereafter “Subject Vehicles”), which are associated with Defendant ALFREDO ANTONIO MARTINEZ.

3. WHEREAS, Defendant ALFREDO ANTONIO MARTINEZ entered into a Rule 11 Plea Agreement (Rule 11) (docket #225) in which he agreed to plead guilty to Count Two of the Superseding Indictment.

4. WHEREAS, Defendant ALFREDO ANTONIO MARTINEZ agreed in his Rule 11 to the entry of a Stipulated Preliminary Order of Forfeiture, at or after the time his guilty plea is entered, with regard to a forfeiture money judgment in the amount of \$1,500,000. Defendant agreed that \$1,500,000 is the amount of money he will be ordered to pay under Fed. R. Crim. P. 32.2(b), and agreed that this amount constitutes, or was derived from, the proceeds he obtained, directly or indirectly, from the crime charged in Count Two of the Superseding Indictment

and other such related conduct as described in the Rule 11 Plea Agreement, Section 7.

5. WHEREAS, the government agrees to return the vehicles to Defendant, or a representative he designates, upon payment of the storage fees, which total \$6,487.25 as of June 30, 2015, and accrue thereafter at \$4.75 per vehicle per day, by remitting certified funds, made payable to the United States Marshal Service.

6. WHEREAS, in entering into this agreement with respect to forfeiture, Defendant ALFREDO ANTONIO MARTINEZ knowingly, voluntarily, and intelligently waives any challenge to the above-described forfeiture based upon the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.

7. Defendant ALFREDO ANTONIO MARTINEZ agrees to release, remise and discharge plaintiff, the United States of America, and any of its agencies involved in this matter, including the Drug Enforcement Agency and the United States Marshals Service, the United States Attorney's Office, and its agents, officers and employees, past and present, from all claims or causes of action which the parties and their agents, officers, employees, assignees and/or successors in interest have, may have had or may have on account of the events or circumstances

giving rise to seizure and forfeiture of the Subject Vehicles.

8. WHEREAS, Defendant ALFREDO ANTONIO MARTINEZ further waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment.

Defendant ALFREDO ANTONIO MARTINEZ acknowledges he understands that the forfeiture of assets is part of the sentence that may be imposed in this case and waives any failure by the Court to advise him of this, pursuant to Rule 11(b)(1)(J), at the time his guilty plea is accepted.

9. WHEREAS, Fed. R. Crim. P. 32.2(b)(2)(A) and (B) provide that the Court must enter a preliminary order of forfeiture directing the forfeiture of specific property that it finds is subject to forfeiture sufficiently in advance of sentencing to allow the parties to suggest revisions or modifications, before the order becomes final as to Defendant ALFREDO ANTONIO MARTINEZ under Rule 32.2(b)(4), unless doing so is impractical.

NOW THEREFORE, based upon Defendant ALFREDO ANTONIO MARTINEZ's acknowledgment of criminal forfeiture proceedings against defendant property, Defendant's Rule 11 Plea Agreement and guilty plea, and the information in the record,

IT IS HEREBY ORDERED that a money judgment in the amount of \$1,500,000 is hereby entered against Defendant ALFREDO ANTONIO MARTINEZ in favor of the United States of America;

IT IS FURTHER ORDERED that pursuant to Fed.R.Crim.P. 32.2(c)(1) and (c)(2) this Preliminary Order of Forfeiture shall become final as to the Defendant and all other persons upon entry and shall be made part of the sentence and included in the judgment, given that the forfeiture consists entirely of a money judgment and ancillary proceedings are not required.

The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

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Approved as to form and substance:

BARBARA L. McQUADE
United States Attorney

s/JULIE A. BECK
JULIE A. BECK (P-53291)
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Dated: June 16, 2015

s/ALEX R. KESSEL
ALEX R. KESSEL
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kessellawfirm@gmail.com

Dated: June 4, 2015

(Signature page attached)
ALFREDO ANTONIO MARTINEZ
Defendant

Dated: June 4, 2015

IT IS SO ORDERED.

Dated: June 22, 2015

s/George Caram Steeh
HONORABLE GEORGE CARAM STEEH
United States District Judge

Approved as to form and substance:

BARBARA L. McQUADE
United States Attorney

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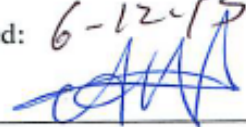
Dated:




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Dated:

6-12-15


ALFREDO ANTONIO MARTINEZ
Defendant

Dated:

6-04-15

IT IS SO ORDERED.

Dated:

HONORABLE GEORGE CARAM STEEH
United States District Judge